



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,259	01/19/2007	Anders Grove	GRP0162US	1176

23413 7590 05/15/2009
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

DANG, HUNG XUAN

ART UNIT	PAPER NUMBER
----------	--------------

2873

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No. 10/579,259	Applicant(s) GROVE, ANDERS	
	Examiner HUNG X. DANG	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 17-20,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The prior art documents submitted by applicant in the Information disclosure Statements filed on 5/11/06 has been considered and made of record (noted attached copy of form PTO-1449).

Claims Rejection Under 35 U.S.C. 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 13 and 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 12, 13 and 22, the phrase "as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The remaining claims are dependent upon the above rejected base claim and thus inherit the deficiency thereof.

Claims Rejection Under 35 USC - 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-14 and 21-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Xie** (6,889,412).

Xie discloses method for producing eyewear frame support arms without welding comprises a pair of lenses 60, bridge piece 100 interconnecting the respective lenses 60 a pair of hinge piece 50 arranged at outer side edge of the lenses 60 and a pair of temples 52 each having a hinge connecting element for connecting each temple to a respective hinge piece 50, wherein each hinge piece 50 comprises an abutment part having an abutment surface extending parallel to and in abutment with a side surface of the respective lenses 60, wherein each respective lenses 60 is provided with at least two holding holes, which open to the side surface thereof, wherein at least two corresponding pins 40 are fastened to the abutment part of each hinge piece 50 and extend into said holding holes of the lenses and wherein the at least two pins 40 are rigidly connected to the inner side surfaces of their corresponding holes, wherein the bridge piece 100 cut out from the metal plate work piece 5 (see figure 1, column 2, lines 14-22) and the hinge piece 50 also cut out from the metal plate work piece 5 (see column 2, lines 58-62) and (see figures 1-6 and the related disclosure.)

Claims Rejection Under 35 USC - 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Xie** (6,889,412) in view of **Izumitani** (5,646,706).

Xie discloses method for producing eyewear frame support arms without welding comprises a pair of lenses 60, bridge piece 100 interconnecting the respective lenses 60 a pair of hinge piece 50 arranged at outer side edge of the lenses 60 and a pair of temples 52 each having a hinge connecting element for connecting each temple to a respective hinge piece 50, wherein each hinge piece 50 comprises an abutment part having an abutment surface extending parallel to and in abutment with a side surface of the respective lenses 60, wherein each respective lenses 60 is provided with at least two holding holes, which open to the side surface thereof, wherein at least two corresponding pins 40 are fastened to the abutment part of each hinge piece 50 and extend into said holding holes of the lenses and wherein the at least two pins 40 are rigidly connected to the inner side surfaces of their corresponding holes, wherein the bridge piece 100 cut out from the metal plate work piece 5 (see figure 1, column 2, lines

14-22) and the hinge piece 50 also cut out from the metal plate work piece 5 (see column 2, lines 58-62) and (see figures 1-6 and the related disclosure.)

Xie does not disclose that an adhesive is provided between the pins and the inner side surfaces of the corresponding holes.

Izumitani, however, discloses that an adhesive is provided between the pins and the inner side surfaces of the corresponding holes.

Because Xie and Izumitani are both from the same field of endeavor, the purpose of providing greater holding power between the pin and the lenses as disclosed by Izumitani would have been recognized as an art pertinent art of Xie.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Xie, with an adhesive is provided between the pins and the inner side surfaces of the corresponding holes, such as disclosed by Izumitani for the purpose of providing greater holding power between the pin and the lenses.

Claim Rejections Under 35 USC - 103

5. Claims 15, 16 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Xie** (6,889,412) in view of **Weber** (6,439,717).

Xie discloses method for producing eyewear frame support arms without welding comprises a pair of lenses 60, bridge piece 100 interconnecting the respective lenses 60 a pair of hinge piece 50 arranged at outer side edge of the lenses 60 and a pair of temples 52 each having a hinge connecting element for connecting each temple to a

Art Unit: 2873

respective hinge piece 50, wherein each hinge piece 50 comprises an abutment part having an abutment surface extending parallel to and in abutment with a side surface of the respective lenses 60, wherein each respective lenses 60 is provided with at least two holding holes, which open to the side surface thereof, wherein at least two corresponding pins 40 are fastened to the abutment part of each hinge piece 50 and extend into said holding holes of the lenses and wherein the at least two pins 40 are rigidly connected to the inner side surfaces of their corresponding holes, wherein the bridge piece 100 cut out from the metal plate work piece 5 (see figure 1, column 2, lines 14-22) and the hinge piece 50 also cut out from the metal plate work piece 5 (see column 2, lines 58-62) and (see figures 1-6 and the related disclosure.)

Xie does not disclose that each of the lenses is provided with an indentation.

Weber, however, discloses that each of the lenses is provided with an indentations 17 and 23 (see figures 2a, 2b, 3a, 5 and 6 and the related disclosure.)

Because Xie and Weber are both from the same field of endeavor, the purpose of providing aesthetic feature as disclosed by Weber would have been recognized as an art pertinent art of Xie.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Xie, with each of the lenses is provided with an indentation, such as disclosed by Weber for the purpose of aesthetic feature.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG X. DANG whose telephone number is (571)272-2326. The examiner can normally be reached on Monday to Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack, can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/09

/Hung X Dang/

Primary Examiner, Art Unit 2873